

HJR

11





# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT FOR HJR 11 BY: Representative Bob Poses

**TITLE:** "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to restore the sovereignty of the individual states to regulate and command the National Guard of the states."

Congress of the United States passed the 439-page \$538 billion 2007 Defense Authorization Bill and the President of the United States signed it into law in October 2006.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Provisions within the Defense Authorization Bill changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

Congress changed the insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incipient" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to restore the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

I urge your support of this resolution.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HJR 11  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAA  
 Title STATE'S CONTROL OF NATIONAL GUARD RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Rep. Bob Roses Component No. \_\_\_\_\_  
 Requester Rep. Bob Roses

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type - Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This resolution will not result in additional costs to the Legislative Branch.

Prepared by: House Military & Veterans' Affairs Committee  
 Division \_\_\_\_\_  
 Approved by: Rep. Bob Roses - Chairman  
 Agency House Military & Veterans' Affairs Committee

Phone 415-4939  
 Date/Time 3/6/07 7:35 AM  
 Date 3/6/2007



PRINT

CLOSE

August 1, 2006

The Honorable Duncan Hunter  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Ike Skelton  
Ranking Member  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman and Representative Skelton:

We write in opposition to a provision in the House-passed version of the National Defense Authorization (DoD) Act (H.R. 5122), which is about to be conferenced with the Senate-passed version, S. 2766. A provision in section 511 of the House-passed DoD Act would allow the President to federalize the National Guard of the states without the consent of the governor. Specifically, this clause amends Title 10 of the United States Code to give the President the authority to take control of the Guard in case of "a serious natural or manmade disaster, accident, or catastrophe that occurs in the United States, its territories and possessions, or Puerto Rico."

This provision is very open-ended without a definition of what constitutes a "serious" natural or manmade disaster. We understand that in case of a National Security incident where the state may have been incapacitated by an event, the President may need this power. However, he is granted this authority under the "insurrection act."

The possibility of the federal government pre-empting the authority of the state or governor in natural and manmade disasters is opposed by the nation's governors. We are responsible for the safety and welfare of our citizens and are in the best position to coordinate all resources to prepare for, respond to and recover from disasters. When federal aid is needed it should be coordinated by the governors.

The nation's governors feel very strongly about protecting our constitutional responsibility to take care of our citizens, and do not want that responsibility shifted to federal officials, as defined by a "serious" emergency. The current process works quite well where we use our National Guard in emergencies and ask for federal assistance as the need arises.

We urge you to drop this provision that would usurp governor's authority over the National Guard during emergencies from the conference agreement on the National Defense Authorization.

Sincerely,

Governor Mike Huckabee

Governor Janet Napolitano

NATIONAL  
**GOVERNORS**  
ASSOCIATION

Janet Napolitano  
Governor of Arizona  
Chair

Tim Pawlenty  
Governor of Minnesota  
Vice Chair

Angus King  
Governor of Maine  
Secretary

August 31, 2006

The Honorable Donald Rumsfeld  
Secretary  
Department of Defense  
The Pentagon  
Washington, D.C. 20301

Dear Mr. Secretary:

Governors oppose statutory changes in the House and Senate Department of Defense authorization bills to federalize the National Guard during emergencies and disasters. Provisions in both the House and Senate bills to expand the President's authority over the National Guard during natural and manmade disasters were developed without consultation with governors and encroach on our constitutional authority to protect the citizens of our states.

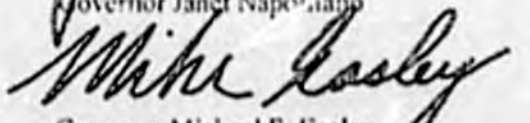
Fifty-one governors recently sent a letter to Congress opposing Section 511 of a House-passed bill because it would usurp the authority of governors to command the National Guard in response to a "serious natural or manmade disaster." Since then, governors also have become increasingly concerned with the Senate's proposal to expand the President's authority to intervene in a state under the Insurrection Act (Section 1042) and proposals to federalize disaster response through the use of reserve forces. Each of these proposals represents a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders.

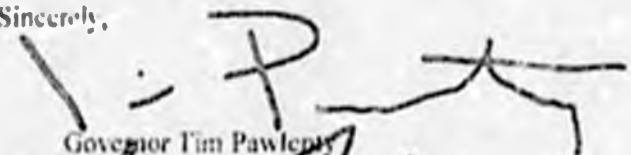
As we reiterated during our meeting with you in February, any issue that affects the mission of the Guard in the states must be addressed in consultation and coordination with governors. The role of the Guard in the states and to the nation as a whole is too important to have major policy decisions made without full debate and input from governors throughout the policy process.

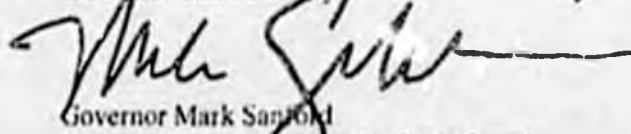
Governors welcome the opportunity to improve the nation's disaster response capabilities, but we must work together to ensure that any changes do not hinder our ability to respond to those in need. We therefore urge you to join us in calling for the House and Senate to remove Section 511 of the House bill and Section 1042 of the Senate bill from the final conference report.

Sincerely,

  
Governor Janet Napolitano

  
Governor Michael F. Easley  
Co-Lead Governor on the National Guard

  
Governor Tim Pawlenty

  
Governor Mark Sanford  
Co-Lead Governor on the National Guard

## Insurrection Act Point Paper

The Insurrection Act governs when the President can declare martial law. When the Act is invoked, the military, including the National Guard, can carry out law enforcement functions without the consent of a Governor. Posse comitatus, a broad law that generally prevents the military from policing within the domestic United States, does not apply when the act is invoked.

Under the old law, the President could invoke the Insurrection Act during violent situations that deprive a citizen of his or her rights. The ambiguity of the language put the emphasis against invoking the Act in situations other than a clear case of insurrection. The ambiguity also promoted consultation whenever a President might face the decision of wresting control of the Guard from governors and using the entire military as a federal police force. The Act has been invoked on only three occasions in the past five decades.

Under the new language, the President can invoke the act and declare martial law in cases where public order breaks down as a result of a natural disaster, epidemic, terrorist attack, or—very nebulously—“other conditions.” This change in the language creates clear triggers that almost make it automatic that the Act will be invoked during such an emergency. Erasing that friction and that constructive ambiguity is a major change that shifts the burden from the President and onto governors and everyone else who might oppose a President using the military in this way.

The recent changes make it easier to federalize the National Guard for domestic law enforcement, which does not make sense. Operating under the control of the governor in a state status, the Guard is not bound by posse comitatus and can integrate seamlessly with local, state, and federal law enforcement agencies and first responders.

The Governors were in no way consulted about the Insurrection Act Changed. They unanimously believe that the current system for using the National Guard in emergencies and requesting federal assistance “when necessary work” well and should not be changed.”

To provide a real world example, with the new language, there is no doubt that Governor Blanco’s request against federalizing the Guard and using the military for law enforce would have been overruled. The federal government would have taken over the emergency effort and shunted her aside.

## TOP STORY ■■■

FRIDAY, JANUARY 12, 2007

## Governors lose in power struggle over National Guard

By Kavan Peterson, Staff Writer

A little-noticed change in federal law packs an important change in who is in charge the next time a state is devastated by a disaster such as Hurricane Katrina.

To the dismay of the nation's governors, the White House now will be empowered to go over a governor's head and call up National Guard troops to aid a state in time of natural disasters or other public emergencies. Up to now, governors were the sole commanders in chief of citizen soldiers in local Guard units during emergencies within the state.

A conflict over who should control Guard units arose in the days after Hurricane Katrina in 2005. President Bush sought to federalize control of Guardsmen in Louisiana in the chaos after the hurricane, but Gov. Kathleen Blanco (D) refused to relinquish command.

Over objections from all 50 governors, Congress in October tweaked the 200-year-old Insurrection Act to empower the hand of the president in future stateside emergencies. In a letter to Congress, the governors called the change "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

The change adds to tensions between governors and the White House after more than four years of heavy federal deployment of state-based Guard forces to fight in Iraq and Afghanistan. Since the 2001 terrorist attacks, four out of five guardsmen have been sent overseas in the largest deployment of the National Guard since World War II. Shortage of the Guard's military equipment – such as helicopters to drop hay to snow-stranded cattle in Colorado – also is a nagging issue as much of units' heavy equipment is left overseas and unavailable in case of a natural disaster at home.

A bipartisan majority of both chambers of Congress adopted the change as part of the 439-page, \$538 billion 2007 Defense Authorization Bill signed into law last October.

The nation's governors through the National Governors Association (NGA) successfully lobbied to defeat a broader proposal to give the president power to federalize Guard troops without invoking the Insurrection Act. But the passage that became law also "disappointed" governors because it expands federal power and could cause confusion between state and federal authorities trying to respond to an emergency situation, said David Quam, an NGA homeland security advisor.

"Governors need to be focused on assisting their citizens during an emergency instead of looking over their shoulders to see if the federal government is going to step in," Quam said.

Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Backers of the new rules, including U.S. Sens. John W. Warner (R-Va.) and Edward Kennedy (D-Mass.) said the changes were needed to clarify the role of the armed forces in responding to serious domestic emergencies.

Mark Smith, spokesperson for the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, said local and state emergency responders know what their communities need during a crisis better than officials in Washington. "The president should not be able to step in and take control of the National Guard without a governor's consent. The Guard belongs to the states, has always belonged to the states and should remain a function of the states," Smith said.

*Send your comments on this story to [letters@stateline.org](mailto:letters@stateline.org). Selected reader feedback will be posted in the Letters to the editor section.*

Contact Kavan Peterson at [kpeterson@stateline.org](mailto:kpeterson@stateline.org).

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## COMMENTS ■

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**Governors Lose power struggle for National Guard**

By Louis (Lou) Freitag on Jan 12, 2007 3:02:14 PM

The 10th ((Tenth) Amendment has been voided for the state national guard units to be taken away from the states. The presidency is making up their own law as they see fit and are breaking the law/laws to their own advantage.

Are our government people so ignorant they don't know that which they are creating? Is Congress as

ignorant of the Constitution, Bill of Rights and spirit of the Declaration of Independence that they are willing to revert to a caste system for we the people?

We impeached the previous president because he lied of an affair with a 24 year old intern and let this president # 43 run the government as a family corporation. Are we on the verge of losing 50 different state constitutions to a big constitution in the country, made up anew?

Lou Ifreitag@mchsi.com

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### Governors Lose in Power Struggle Over National Guard

By Rael Nidess, M.D. on Jan 12, 2007 7:45:30 PM

Hello?

Where've ya'll been?

Bush foisted his "unitary executive" theory onto the 2006 Defense Appropriations Bill in collusion with unthinking Democrats and craven Republicans who failed to read the fine print and understand that, due to this "accommodation" for the President's convenience, he now has unfettered power, by law, to utilize our own troops (the National Guard) for law enforcement on U.S. soil in violation of the Constitutional concept of Posse Comitatus.

This, along with the "Military Commissions Act of 2006" (MCA2006), allows him to name any group of people, including citizens of the U.S.A., as either 'enemy combatants' or 'materially contributing toward terrorism', use our military to lock us up (perhaps if we protest his illegal war too vigorously?) without due process because our Habeas Corpus rights have been denied by MCA2006, and hold us, essentially incommunicado, "interrogating" us with "approved unusual methods", until... well until.

The sorry thing is that this all happened 6 months ago! Where the hell were the news stories then?

We've dug a hole that has only one way out:

Impeach Bush, Cheney, and Rice.

There's more to read at:

<http://www.impeachforpeace.marshall.org>

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### Governors Upset

By Don Evans on Jan 16, 2007 5:45:37 PM

I think that if the governors understood that they are simply figure heads for the land of the Federal Government, they wouldn't be upset. Do any of them actually believe that the State is supreme to the Federal government. Not since the south lost the Civil war have states had the power conveyed by the Constitution and the 10th Amendment. If you don't believe that, why do you think it is now the State of Texas, State of New Mexico etc. and not the Texas State, etc?? All states are not part of the power of the District of Columbia. Still not certain, look at what Congress continues to pass, laws which violate the Constitution but they find cause under the Commerce clause and the Supreme Court backs them up!!

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### Nat'l Guard!!

By Charles Logaro on Jan 17, 2007 10:06:34 AM

The Governors should fight this change with every tool available to them. The Bush administration has proven time and time again they cannot be trusted, not only in Iraq, but in a multitude of other ways. The congress until recently ( and i'm still leery now) was a rubber stamp for the Bush bunch, and literally "Gave" away the "Outhouse" in fear of being labeled non-patriotic.

It's time for the people of the US to stand up before we are totally stripped of all our freedoms of Liberty and Justice. This "War against Terror", which so far is totally un-defined, has taken the citizens of the US back 200 plus years. With the words "My job is to protect the American people" Bushy Boy has stolen our freedoms from us with the help of the same people we elect to provide a stop-gap in these circumstances. The Congress of The United States!!!

The attacks against us on our soil , while terrible in there own right are nothing compared to what will happen if we go forward with the arrogance we have shown for the rest of the world. We have killed at a rate of more than a 100 to 1 the doers of evil who struck us that terrible blow on 9/11, but now it's time to SECURE OUR BORDERS and withdraw.. If they come, whoever they are, we can and should kill them!!

Chuck Legare  
Orange Park Fl.

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**Govenor's upset over loss of control of national guard after Katrina debacle**

*By warren gaston on Jan 17, 2007 2:34:08 PM*

If the governors of their respective states actually were working for their constituents, this would never have happened. It was absolutely conscienceless the way the governor of Louisiana treated the people of New Orleans. She had no plan of response to Katrina even with a weeks worth of notice. She deserved to be impeached and jailed for malfeasance of office. Instead the government was kind to her and simply took the matter to the next higher level.

ALASKA STATE LEGISLATURE  
House of Representatives

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Representative Bob Roses

email: [Representative\\_Bob\\_Roses@legis.state.ak.us](mailto:Representative_Bob_Roses@legis.state.ak.us)

Representative Bob Roses

MEMORANDUM

Date: March 6, 2007  
To: Representative Bob Lynn, Chair  
House State Affairs Committee  
From: Representative Bob Roses   
Re: HJR 11

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I would request you schedule HJR 11 for a hearing before your committee at your earliest convenience.

Provisions within the 2007 Defense Authorization Bill signed in October 2006 changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to restore the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

Thank you for your consideration of this request, and for your consideration of scheduling it "Pending Referral."

Please contact my staff, Josh Applebee at x6873 if you have any additional questions.

Bush moves toward martial law, revises Insurrection Act with Public Law 109-364  
by Frank Morales Friday, Oct. 27, 2006 at 4:27 PM

In a stealth maneuver, President Bush has signed into law a provision which, according to Senator Patrick Leahy (D-Vermont), will actually encourage the President to declare federal martial law (1). It does so by revising the Insurrection Act, a set of laws that limits the President's ability to deploy troops within the United States. The Insurrection Act (10 U.S.C.331 -335) has historically, along with the Posse Comitatus Act (18 U.S.C.1385), helped to enforce strict prohibitions on military involvement in domestic law enforcement. With one cloaked swipe of his pen, Bush is seeking to undo those prohibitions.

3/14/07

From  
John  
Brading  
Please  
Read this useful  
Information  
Re: HJR 11



towards martial law.jpgpullqx.jpg.image/jpeg.300x400

Public Law 109-364, or the "John Warner Defense Authorization Act of 2007" (H.R.5122) (2), which was signed by the commander in chief on October 17th, 2006, in a private Oval Office ceremony, allows the President to declare a "public emergency" and station troops anywhere in America and take control of state-based National Guard units without the consent of the governor or local authorities, in order to "suppress public disorder."

President Bush seized this unprecedented power on the very same day that he signed the equally odious Military Commissions Act of 2006. In a sense, the two laws complement one another. One allows for torture and detention abroad, while the other seeks to enforce acquiescence at home, preparing to order the military onto the streets of America. Remember, the term for putting an area under military law enforcement control is precise; the term is "martial law."

Section 1076 of the massive Authorization Act, which grants the Pentagon another \$500 plus billion for its ill-advised adventures, is entitled, "Use of the Armed Forces in Major Public Emergencies." Section 333, "Major public emergencies; interference with State and Federal law" states that "the President may employ the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the

U.S. moves toward martial law, revises Insurrection Act with Public Law 109-364 : Mia...

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President determines that domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of ("refuse" or "fail" in) maintaining public order, "in order to suppress, in any State, any insurrection, domestic violence, unlawful combination, or conspiracy."

For the current President, "enforcement of the laws to restore public order" means to commandeer guardmen from any state, over the objections of local governmental military and local police entities; ship them off to another state; conscript them in a law enforcement mode; and set them loose against "disorderly" citizenry - protesters, possibly, or those who object to forced vaccination and quarantines in the event of a bio-terror event.

The law also facilitates militarized police round-ups and detention of protesters, so called "illegal aliens," "potential terrorists" and other "undesirables" for detention in facilities already contracted for and under construction by Halliburton. That's right. Under the cover of a trumped-up "immigration emergency" and the frenzied militarization of the soul in horror, detention camps are being constructed right under our noses, camps designed for anyone who resists the foreign and domestic agenda of the Bush administration.

An article on "recent contract awards" in a recent issue of the slick, insider "Journal of Counterterrorism & Homeland Security International" reported that "global engineering and technical services powerhouse KBR (Kellogg, Brown & Root) announced in January 2006 that its Government and Infrastructure division was awarded an Indefinite Delivery/Indefinite Quantity (IDIQ) contract to support U.S. Immigration and Customs Enforcement (ICE) facilities in the event of an emergency." "With a maximum total value of \$784 million over a five year term," the report notes, "the contract is to be executed by the U.S. Army Corps of Engineers," "for establishing temporary detention and processing capabilities to augment existing ICE Detention and Removal Operations (DRO) - in the event of an emergency influx of immigrants into the U.S., or to support the rapid development of new programs." The report points out that "KBR is the engineering and construction subsidiary of Halliburton." (3) So, in addition to authorizing another \$12.2 billion for the Pentagon, including a \$70-billion "supplemental" provision" which covers the cost of the ongoing, mad military maneuvers in Iraq, Afghanistan, and other places, the new law, signed by the president in a private White House ceremony, further collapses the historic divide between the police and the military, a tell-tale sign of a rapidly consolidating police state in America, an accomplished socialist engineering U.S. imperial pretensions of global domination, sold in an "emergency moment" and seemingly willfully gullible public as a "global war on terrorism."

Make no mistake about it, the de-facto repeal of the Posse Comitatus Act (PCA) is an obvious assault on American democratic tradition and jurisprudence. The 1878 Act, which reads, "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both," is the only U.S. criminal statute that outlaws military operations directed against the American people under the cover of "law enforcement." As such, it has been the best protection we've had against the power hungry intentions of an insurrectionist and reckless executive, an executive intent on using force to enforce its will.

Undoubtedly, this past week, the president dealt posse comitatus, along with American democracy, a near fatal blow. Consequently, it will take an aroused citizenry to undo the damage wrought by this horrendous act, past and present, as we have seen, of a long train of abuses and outrages perpetrated by this authoritarian administration.

Despite the unprecedented and shocking nature of this act, there has been an outcry in the American media, and little reaction from our elected officials in Congress. On September 14th, a New Senator Patrick Leahy (D Vermont) noted that 2002's Defense Authorization Act contained a "widely opposed provision to allow the President more control over the National Guard (including) changes to the Insurrection Act, which will make it easier for the, or any future President to use the military to restore domestic order WITHOUT the consent of the nation's governors."

Senator Leahy went on to stress that, "we certainly do not need to make it easier for Presidents to declare martial law, invoking the Insurrection Act and using the military, for law enforcement activities goes against some of the central tenets of our democracy. One can easily envision governors and mayors in charge of an

Bush moves toward martial law, revises Insurrection Act with Public Law 109-364 : Min...

emergency having to constantly look over their shoulders while someone who has never visited their communities gives the orders."

A few weeks later, on the 29th of September, Leahy entered into the Congressional Record that he had "grave reservations about certain provisions of the fiscal Year 2007 Defense Authorization Bill Conference Report," the language of which, he said, "subverts solid, longstanding posse comitatus statutes that limit the military's involvement in law enforcement, thereby making it easier for the President to declare martial law." This had been "slipped in," Leahy said, "as a rider with little study," while "other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals."

In a telling bit of understatement, the Senator from Vermont noted that "the implications of changing the (Posse Comitatus) Act are enormous". "There is good reason," he said, "for the constructive friction in existing law when it comes to martial law declarations. Using the military for law enforcement goes against one of the founding tenets of our democracy. We fall our Constitution, neglecting the rights of the States, when we make it easier for the President to declare martial law and trample on local and state sovereignty."

Senator Leahy's final ruminations: "Since hearing word a couple of weeks ago that this outcome was likely, I have wondered how Congress could have gotten to this point. It seems the changes to the Insurrection Act have survived the Conference because the Pentagon and the White House want it."

The historic and odious re-writing of the Insurrection Act, accomplished in the dead of night, which gives Bush the legal authority to declare martial law, is now an accomplished fact.

The Pentagon, as one might expect, plays an even more direct role in martial law operations. Title XIV of the new law, entitled, "Homeland Defense Technology Transfer Legislative Provisions," authorizes "the Secretary of Defense to create a Homeland Defense Technology Transfer Commission to improve the effectiveness of the Department of Defense (DOD) processes for identifying and deploying relevant and technology to federal, State, and local first responders."

In other words, the law facilitates the "transfer" of the newest in so called "crowd control" technology and other weaponry designed to suppress dissent from the Pentagon to local militarized police units. The new law builds on and further codifies earlier "technology transfer" agreements, specifically the 1995 DOD Justice Department memorandum of agreement achieved back during the Clinton administration. (4)

It has become clear in recent months that a critical mass of the American people have seen through the lies of the Bush administration; with the president's polls at an historic low, growing resistance to the war Iraq, and the Democrats likely to take back the Congress in mid term elections, the Bush administration is on the ropes. And so it is particularly worrying that President Bush has seen fit, at this juncture to, in effect, declare himself dictator.

Source:

(1) <http://leahy.senate.gov/press/2006/09/29/leahy.html> and <http://leahy.senate.gov/press/2006/09/29/leahy.html> See also, Congressional Research Service Report for Congress, "The Use of Federal Troops for Disaster Assistance: Legal Issues," by Jennifer K. Eisen, Legislative Attorney, August 14, 2006.

(2) <http://www.govtrack.us/congress/bills/detail/109/364>

(3) Journal of Counterterrorism & Homeland Security International, "Recent Counter-Terror Awards," Summer 2006, Vol. 12, No. 2, pp. 8. See also, Peter Blake Scott, "Homeland Security Contracts for West New Detention Camps," New American Media, Monday 31, 2006.

(4) "Technology Transfer from Defense: Controlled Weapons Detection", National Institute of Justice Journal, No. 279, August, 1995, pp. 42-43.

[www.indymedia.org/news/2006/10/6319.php](http://www.indymedia.org/news/2006/10/6319.php)

<http://miami.indymedia.org/news/2006/10/6319.php>

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## Small Government Blog

Marketing Small Government is better than compromising it. Compromise is a last resort, not a strategy.

Tue 31 Oct 2006

### bush's Third Term

Posted by RNoval under News and Events

On October 17, "president" bush signed

the "John Warner Defense Authorization Act of 2007", or "Public Law 109-364", which states, in Title X - General Provisions subtitle II Section 343, "Major public emergencies; interference with State and Federal law":

"The President may employ the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States when... as a result of...terrorist attack...or other condition in any State or possession of the United States, the President determines that domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order, "in order to suppress, in any State, any insurrection, domestic violence, unlawful combination, or conspiracy."

PDF file (SEE PAGE 322)

The key word here is "conspiracy". It is the vaguest and most broadly definable.

The treason and war crimes of bush are matters of public record. He has paraded himself into his own little "green zone" in the White House, from which he cannot afford to emerge.

It is no longer merely "easier" if he were a dictator, as he has been quoted as suggesting more than once. It now becomes a matter of survival.

He will look to the south at president-for-life Fidel Castro with envy no longer. Out of office, as a private citizen, he would be subject of legal proceedings, which, shall we say, would be much to his detriment.

If the Democrats take control of the House next week, they will be embarrassed into at least making a show of "investigating" bush's actions.

They will do so under pressure, and reluctantly. Both Nancy Pelosi and Howard Dean have promised to perhaps mock-toughen their "president" a bit for show; don't even think the "I" word.

But that's all it will take to crack open the floodgates.

By the time bush's current term is up, so much will have been exposed to mainstream public view that even those most reluctant to face the truth will understand that what bush has done makes the Johnson/Nixon crimes look like a couple of puking violations, as those of us who do follow these matters can attest.

Abdicating power will be out of the question, even with a Republican President-elect in the wings.

Expect a declaration of martial law, based on the "investigation" of an "on-going, broad and loosely organized" "conspiracy" to "overthrow" the government...

One good example of "unlawful combination or conspiracy" is this very writing, and of "loosely organized" "conspiracy" it's

reference to the one that alerted me to this matter.

We can count on true patriots like John to continue "Demanding Truth, Accountability and Justice.", no doubt, aware what he may get for exposing the truth:

"The risk of being labeled an angry liberal nut-job is nothing compared to the risk of ignoring what's looking more and more every day like the greatest threat America has ever faced."

"...don't be surprised when American citizens on American soil start disappearing and dying for the heinous crime of speaking out in favor of adherence to Constitution of the United States."

John opens his article with:

"As hard as this may be for some to grasp, it doesn't matter where you stand politically."

Indeed, alarm at the severity of constitutional violations by the bush administration must and does cut across all political spectrums:

David Keene, Chairman, American Conservative Union ("Both right and left condemn Patriot Act," The Hill, 5/6/2003)

"When creating 2001 antiterrorism legislation, the line should not be drawn at what is helpful for law enforcement but what is needed to protect us while preserving the proper balance between preserving civil liberties and our nation's national security needs."

Jose Padilla and the Military Commissions Act  
by Jacob G. Hornberger, October 18, 2006

"Anyone who hoped that U.S. military detention of Americans accused of terrorism expired with the transfer of American citizen Jose Padilla from military custody to Justice Department custody have seen their hopes dashed by the Military Commissions Act."

And of course, while bush, champion of "responsible", "limited" government has presided over one of the greatest and most rapid expansions

of the federal government in U.S. history, we here continue to our work under the SMALL GOVERNMENT banner

The Hikenewspaper

#### 4 Responses to "bush's Third Term"

1. John Perry Says:  
October 18, 2006 at 7:10 am

• Thanks Robert •

Perhaps we'll meet someday at the Citrus Hilton

2. Brian S Says:  
October 18, 2006 at 7:20 pm

People generally don't realize yet that Bush is trapped by his own absolute power. Having armed the dragnsky weapon of the MCA, as I put it, he dares not ever step down for fear that Hillary, or Edwards - or even McCain or Job - would disappear him for good. Even if Bush were inclined to step down and take his chances, Rumsfeld, Cheney and their ilk have their cheeie out in the wind, and can't afford to allow anyone in office that might put them in orange jumpsuits at Camp X-Ray.

3. RNowell Says:  
November 2nd, 2006 at 12:30 am

John:

I always wanted to visit my mother's homeland.

I understand the way they've practiced "homeland security" there the past few decades would make a contemporary U.S. citizen feel right at home!

But seriously, Clinton, I believe, is all hooked. And besides, they probably wouldn't put those who conspired against them on the outside in the same "Hilton", of which they have enough to hold a significant percentage of the U.S. population.

They're going to need it, as more and more of us figure out who the real enemy is.

Brian:

Very important point, which no doubt is lost on our chimp-in-chief.

He seems incapable of seeing any "solution" to the given current dilemma other than the expansion of his power.

The addict always sees the solution in his next fix, so he never finds it.

All that's left now, really is the removal of the threadbare facade of rule of law.

The Bikemessenger

4. *Small Government Blog » A Special Anniversary Says:*

Tuesday 18th, 2007 at 2:48 am

[...] As I've mentioned before, I'm not convinced bush will in fact leave office at the end of his current term. His disdain for the limitations imposed by the Constitution need no elaboration. [...]

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website

Archived Entry

- Post Date :
- Tuesday, Oct 31st, 2006 at 4:11 am
- Category :
- News and Events
- Do More :
- You can leave a response, or trackback from your own site.



Date: 3-15

Bill 166 passed out of  
House State Affairs Committee

- When a bill passes out of committee with amendments, ask legal for a **Final CS**
- ✓ Electronic version of fiscal note(s) emailed to Londi *Existing fiscal note*
- ✓ Fiscal Notes put in Yellow file *N/A*
- Complete House Committee Report
- CS - all Representatives who made amendments on a bill in Committee need to see the CS before it is read across the floor
- ✓ Yellow file to Chief Clerk's Office
- ✓ Referral File Complete
- ✓ Referral File Delivered to: RULES 3-15-07
- ✓ Library File Complete

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HJR 11  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAA  
 Title STATE'S CONTROL OF NATIONAL GUARD RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Rep. Bob Roses Component No. \_\_\_\_\_  
 Requester Rep. Bob Roses

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This resolution will not result in additional costs to the Legislative Branch.

Prepared by: House Military & Veterans' Affairs Committee  
 Division \_\_\_\_\_  
 Approved by: Rep. Bob Roses - Chairman  
 Agency House Military & Veterans' Affairs Committee

Phone 465-4939  
 Date/Time 3/6/07 7:35 AM  
 Date 3/6/2007